

110TH CONGRESS
1ST SESSION

S. 205

To grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2007

Mr. STEVENS (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Copper Valley Native
5 Allotment Resolution Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ASSOCIATION.—The term “Association”
9 means the Copper Valley Electric Association.

10 (2) NATIVE ALLOTMENT.—

1 (A) IN GENERAL.—The term “Native allot-
2 ment” means—

3 (i) each of the following allotments
4 issued under the Act of May 17, 1906 (34
5 Stat. 197, chapter 2469):

6 (I) A–031653.

7 (II) A–043380.

8 (III) A–046337.

9 (IV) AA–5896.

10 (V) AA–6014, Parcel B.

11 (VI) AA–6034.

12 (VII) AA–7059.

13 (VIII) AA–7242, Parcel B.

14 (IX) AA–7336.

15 (X) AA–7552.

16 (XI) AA–7553.

17 (XII) AA–7554.

18 (XIII) AA–7600.

19 (XIV) AA–8032; and

20 (ii) any allotment for which a patent
21 or Certificate of Allotment has been issued
22 under the Act of May 17, 1906 (34 Stat.
23 197, chapter 2469) across which the Asso-
24 ciation maintains an electric transmission
25 line on the date of enactment of this Act.

1 (B) EXCLUSIONS.—The term “Native al-
 2 lotment” does not include any allotment to
 3 which the Secretary has approved the grant of
 4 a right of way or issued a patent or Certificate
 5 of Allotment that is subject to a right of way
 6 held by the Association.

7 (3) SECRETARY.—The term “Secretary” means
 8 the Secretary of the Interior.

9 (4) STATE.—The term “State” means the State
 10 of Alaska.

11 **SEC. 3. ELECTRIC TRANSMISSION LINE RIGHTS-OF-WAY.**

12 (a) IN GENERAL.—There is granted to the Associa-
 13 tion rights-of-way across the Native allotments for an elec-
 14 tric transmission line owned by the Association.

15 (b) WIDTH.—After considering any information pro-
 16 vided by the Association, allottee, or any other source that
 17 the Secretary determines to be relevant, the Secretary
 18 shall determine an accurate legal description of the rights-
 19 of-way, the nature of the rights granted, and the widths
 20 of the rights-of-way granted by subsection (a).

21 (c) CERTAIN AGREEMENTS.—Notwithstanding any
 22 other provision of this Act, this Act does not apply to land
 23 owned by Ahtna, Inc. and any prior or current right-of-
 24 way agreements that may exist between Ahtna, Inc. and
 25 the Copper Valley Electric Association or the State.

1 (d) COMPENSATION.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) appraise the value of the rights-of-way
4 granted under subsection (a);

5 (B) pay to any owner of a Native allotment
6 or, if the owner is deceased, an heir or assign
7 of the owner, compensation for the grant of a
8 right-of-way over the Native allotment in an
9 amount determined under paragraph (2);

10 (C) issue recordable instruments that indi-
11 cate the location of the rights-of-way over the
12 Native allotments;

13 (D) provide written notice of the com-
14 pensation procedure for the rights-of-way to—

15 (i) the owner of record for each Na-
16 tive allotment; or

17 (ii) if the owner of record is deceased,
18 the heir or assign of the owner of record;
19 and

20 (E) publish in the Federal Register and
21 any newspaper of general circulation within the
22 service area of the Association and location of
23 the relevant allotment—

24 (i) notice of the compensation proce-
25 dure established by this subsection; and

(ii) with respect to a Native allotment described in section 2(2)(A)(ii), the location of the right-of-way, as prepared by the Association and provided to the Secretary, in accordance with any requirements established by the Secretary.

(2) CALCULATION OF PAYMENTS.—

(A) IN GENERAL.—For purposes of calculating the amount of compensation required under paragraph (1)(B), the Secretary shall determine, with respect to a portion of a Native allotment encumbered by a right-of-way—

(i) compensation for each right-of-way based on an appraisal conducted in conformity with the version of the Uniform Appraisal Standards for Federal Land Acquisitions that is correct as of the date of the compensation proceeding; and

(ii) interest calculated based on the section 3116 of title 40, United States Code.

(B) DATE OF VALUATION.—For purposes of subparagraph (A), the date of valuation of the acquisition by the Association of each right-

1 of-way shall be considered to be the date of en-
2 actment of this Act.

3 (3) SOURCE OF COMPENSATION PAYMENTS.—

4 Notwithstanding any other provision of law, any
5 compensation payments required by this subsection
6 shall be paid on a nonreimbursable basis from the
7 permanent judgment appropriation under section
8 1304 of title 31, United States Code.

9 (4) JUDICIAL REVIEW.—Notwithstanding any
10 other provision of law, judicial review under this
11 subsection shall be limited to a review of the deter-
12 mination of the Secretary under paragraph (2) re-
13 garding the compensation for a right-of-way over a
14 Native allotment.

15 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as are necessary to carry out this Act.

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